



CITY OF PALO ALTO OFFICE OF THE CITY CLERK

October 21, 2013

The Honorable City Council
Palo Alto, California

August 19, 2013

The attached minutes from August 19, 2013 have been amended to include full sense minutes for the Architectural Review Board Study Session per Council direction given at the September 30, 2013 Council meeting.

ATTACHMENTS:

- 08-19-13 Council Minutes(DOC)

Department Head: Donna Grider, City Clerk



CITY OF PALO ALTO CITY COUNCIL WORKING MINUTES

Special Meeting
August 19, 2013

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:05 P.M.

Present: Burt arrived at 5:10 P.M., Holman, Klein, Kniss arrived at 5:15 P.M., Price, Scharff, Schmid, Shepherd

Absent: Berman

CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS
City Designated Representatives: City Manager and his designees pursuant to Merit System Rules and (James Keene, Pamela Antil, Lalo Perez, David Ramberg, Joe Saccio, Kathryn Shen, Sandra Blanch, Dania Torres Wong, Val Fong, Marcie Scott, Brenna Rowe, Molly Stump)
Employee Organization: Service Employees International Union, (SEIU) Local 521
Authority: Government Code Section 54957.6(a)
2. CONFERENCE WITH LABOR NEGOTIATORS
City Designated Representatives: City Manager and his designees pursuant to Merit System Rules and Regulations (James Keene, Pamela Antil, Lalo Perez, David Ramberg, Joe Saccio, Kathryn Shen, Sandra Blanch, Dania Torres Wong, Val Fong, Marcie Scott, Brenna Rowe, Molly Stump)
Employee Organization: Palo Alto Police Officers Association (PAPOA)
Authority: Government Code Section 54957.6(a)

The Council returned from the closed session at 6:10 P.M. and Mayor Scharff announced there was no reportable action.

STUDY SESSION

3. Joint Study Session with City Council and Architectural Review Board.

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Clare Malone-Pritchard, Architectural Review Board Commissioner, provided a summary of the items discussed with the Planning & Transportation Commission (P&TC) during a joint meeting in July of 2013. The topics of discussion brought forward to the Council were sidewalk widths and the El Camino Real guidelines with respect to the Zoning Code.

Lee Lippert, Architectural Review Board Commissioner, noted wider sidewalks would not necessarily resolve all of the issues along El Camino Real. There needed to be locations along El Camino Real where pedestrians would want to walk. The goals were a walkable destination within a half-mile distance, a sense of activity such as a higher level of ground floor retail along the street, and the final item was a sense of safety. The zoning was underutilized along the street which left the opportunity open for development. There were two Hilton hotels coming online shortly and his hope was for the Council to visualize the density capability of the current hotels along the street and realize their potential for remodeling. He suggested the City deed the alley rights off El Camino Real between Barron Park and Military Way to the businesses so they could possibly increase their Floor Area Ratio (FAR).

Council Member Kniss asked if the alleyway was associated with the Happy Doughnut area.

Commissioner Lippert stated it was.

Alexander Lew, Architectural Review Board Commissioner, directed the Council's attention to the South El Camino Guidelines which expressed the El Camino Real area was too large for a pedestrian oriented destination. The Palo Alto Zoning Code established separation of the area with the Neighborhood Commercial (CN) and the Commercial Services (CS) zoning. Issues brought to the attention of the ARB and P&TC have been the zero buffers between the buildings and the sidewalks, the blank walls along the street view, and the lack of entry doors. A number of the buildings were private gyms and indoor pools which did not allow access to the public. He agreed the concept of a wider sidewalk would improve the "porch area" between the building and the walkway for pedestrians.

Randy Popp, Architectural Review Board Commissioner, noticed there was a range of zones along the El Camino Real Corridor and some of them were appropriate for pedestrian access and some were not. It was important to realize there were areas that were not capable of possessing the pedestrian vitality one might imagine. His view of the proposal was to create context and life in residential areas where access was important. He was in agreement with idea of widening and beautifying the corridor although he

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was concerned about the limitation on the FAR, the height, and the proximity to residential immediately behind any of the parcels along El Camino Real. If the considered changes were not managed carefully, the anticipated growth and change would not be realized.

Commissioner Malone-Pritchard stated the uses were an important part of the discussion and the manner in which the Zoning Code was presently written was based on location and not usage or functionality of the facility. She felt the setbacks and plantings needed to be addressed based on the uses and how they could advance the City.

Council Member Kniss asked why Grand Boulevard had not been mentioned. She noted the project had been in discussion for a decade and asked if it was a possibility.

Commissioner Lew stated he had been attending the Grand Boulevard meetings and had reviewed other structures built along El Camino Real in other cities. The concept was a possibility although with a corridor like El Camino Real it was complicated. He mentioned the City of Hayward was able to have Caltrans D-List their portion of Mission Boulevard as a highway. Mission Boulevard was as complex as El Camino Real.

Commissioner Lippert stated there were a number of things occurring on El Camino Real which made it problematic. The Hetch Hetchy pipeline created an improbability for deep planting and it was a State road. The State was resistant to relinquish control.

Council Member Price agreed the issue of relinquishment was valid, which opened concerns regarding whether the cities would be willing to maintain their designated segment. Some of the concerns included the concerns of the owners, the noted shallow lots, lot sizes, and parking. She was uncertain of the number of owners although their lack of assembly on concept along with the lack of workable segments along El Camino Real added to the mix.

Commissioner Lew mentioned the College Terrace Center was a nice design and another was coming soon near the Fry's Electronics' site on Portage Avenue where they were assembling parcels for a mixed-use project. He did not believe there was anything in the Palo Alto process impeding land owners from assembling.

Commissioner Popp said the information developed through the Grand Boulevard program and the metrics they have been able to establish could be useful to Palo Alto; although, as a City, Palo Alto needed to develop their own sense of design for El Camino Real. Once Palo Alto had a clear vision of

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the corridor, then Caltrans and Hetch Hetchy could be approached.

Council Member Klein clarified the ARB Commissioners understanding was the Grand Boulevard program to Palo Alto and El Camino Real would not be a pedestrian oriented corridor. He asked what the projected vision would be for El Camino Real and what should Palo Alto be planning toward.

Commissioner Lippert reiterated the Grand Boulevard concept was a great idea, he simply felt there were too many competing interests. With enough push-back from any one of those interests a project could fold. He cited projects where residential neighborhoods fought back because of a parking matter. The interested parties included the residents, Valley Transportation Authority (VTA), the Water District the business owners until all of those interested parties have agreement on the concept of El Camino Real, any one of them could create push-back. He suggested creating a concept for El Camino Real and having a resolution of that vision before any serious forward motion could occur.

Council Member Burt said the lack of sidewalks on El Camino Real was not necessarily the public's concern as much as the lack of setbacks and the walled in feelings. He did not feel Palo Alto was interested in urbanizing El Camino Real as much as they are interested in growth and change. When change occurs it should be to repair an identified issue or to improve a situation. A better process would be to focus on improving existing areas rather than creating new ones while neglecting those already in need.

Council Member Schmid emphasized the mention of the El Camino Guidelines in the Colleagues Memo was meant as a discussion on major corridors not necessarily just El Camino Real. He believed the principle behind the guidelines was addressing the street, how the buildings welcome and encourage interaction with pedestrians or drivers. He wanted to see the ARB, P&TC, and the Council agree on the guidelines provided to the developers and applicants on their designs to create spaces that maintain the life blood of the community.

Council Member Holman remarked that the El Camino Real guidelines were merely guidelines not standards. The CN zoning was to reflect where retail was because those areas were connected to residential neighborhoods. She was concerned with the notion the City was moving forward with a year-long study. The El Camino Real Design Guidelines were a reflection of the year-long study already completed. The Grand Boulevard plan was another year-long study. Her concern stemmed from the possibility of not accomplishing anything in the present while there were thoughts of another long-term study. She noted the public was not happy with the manner in which their

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community was being developed.

Vice Mayor Shepherd mentioned from her view, El Camino Real was a hostile area for vehicles and unpleasant for pedestrians. She could see a transition from Palo Alto to Mountain View where there were tall buildings but space between the sidewalk and the entrance with parking lots circling the buildings. She asked whether going higher would provide the space and welcoming design desired. If there were deeper sidewalks and service areas on the ground floors a higher building may not be as disturbing to the public.

Commissioner Malone-Pritchard noted the addition of height in exchange for the extended sidewalks was discussed in ARB meetings. There was an agreement there were some areas of El Camino Real where that was possible.

Commissioner Lew stated the designs to the buildings could be better and the ARB had enough influence to require better buildings.

Commissioner Lippert stated there was an opportunity built into the Zoning Code which allowed higher density; residential could be built to a 6.0 FAR, commercial to a .40 FAR and it was possible to take both of those types and combine them into a mixed-use for a total FAR of 1 to1. He mentioned a tool not yet utilized in Palo Alto called arcading which could provide a number of aesthetically, architecturally, and functionally pleasing effects.

Commissioner Popp noted the Miki's site provided the opportunity to be inviting and see into the building to understand the life of its interior. The problem arose when the windows were immediately covered and essentially turned its back to the street. He felt the ARB should be requiring a higher standard of developers and applicants. He wanted the understanding to be clear El Camino Real was not a one-size fits all segment of the City. He did not feel the El Camino Real guidelines were a good tool for the ARB as they did not provide adequate guidance or the authority to enforce the type of building the City desired. The guidelines needed to be flexible for different types and sized lots. In those lots where there was so little room for flexibility the changes needed to be carefully conducted.

Mayor Scharff stated the ARB Commissioners appeared to be in agreement of needing a higher standard for developers. The question was why has it not been done, why has it not been brought forward to the Council for consideration.

Commissioner Lew mentioned the design for the new hotel on the Palo Alto Bowl site was different than when it was presented to Council and had

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ground floor hotel rooms. Council Member Schmid had asked the applicant at the time of presentation for something more. The ARB was not comfortable asking questions such as changing the ground floor use to another function. He felt the external design on how the ground floor structure looked and functioned was within their purview.

Mayor Scharff asked how the City could achieve a mechanism that provided the ARB with authority to come to Council to seek changes outside of their purview. He believed the purpose of the Colleagues Memo was to task the ARB with revising the Grand Boulevard plans, the South El Camino Real guidelines and zoning as appropriate to make them consistent with that vision. He was expecting the ARB to return with specific changes.

Council Member Holman asked if there were standards rather than guidelines that required certain actions would that address the difficulty the ARB had with respect to certain street/building functionality.

Aaron Aknin, Interim Director of Planning and Community Environment, stated any time there was a guideline rather than a standard it was debatable. Standards created uniformity but all standards could have built-in flexibility; as with the setbacks there could be an adopted average to provide flexibility in the front of some of the larger buildings. The goal would be to have the applicant come to the table with something built-in rather than debate with the ARB.

Council Member Holman understood and agreed El Camino Real was not a one design fits all. Communities evolve and change over time and the City may be required to build more housing then they may want. She cautioned if they did not widen the sidewalks on all segments there may be a future development precluded because of the lack in width.

Commissioner Lippert explained the ARB had several retreats where the Commission reviewed the El Camino Real guidelines and the Grand Boulevard concept. He stated the ARB did not have the ability to implement any changes in those types of documents.

Mayor Scharff clarified the Colleagues Memo provided the ARB the discretion to suggest to Council the need for authority for those types of changes.

Commission Lippert said there were other opportunities and tools available that would allow the ability to change buildings while following specific rules that would provide a specific profile of buildings the City might be looking for along El Camino Real.

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Council Member Holman noted there was full flexibility with the Planned Community (PC) zoning.

SPECIAL ORDERS OF THE DAY

4. Proclamation Expressing Appreciation to Michael Closson Upon His Retirement from Acterra.

Council Member Klein read the Proclamation into the record.

Gregory Betts, Director of Community Services, expressed appreciation for Mr. Closson's ten years of dedicated service to the City, environment, community and volunteers. Acterra sponsored many programs and inspired volunteers to participate in the programs. He thanked Mr. Closson for being an inspiration, a partner and a leader.

Michael Closson was honored by the Proclamation. Acterra engaged adults and youth and connected them to the environment. He was pleased to have served the community. He planned to work with the Sierra Club to enhance cities' climate action plans.

5. Proclamation Celebrating the 50th Anniversary of Dr. Martin Luther King Jr.'s "I Have a Dream Speech."

Council Member Price read the Proclamation into the record.

Aram James questioned what Dr. King's reaction would have been to the Vehicle Habitation Ordinance. It was ironic the Council was celebrating civil rights while failing to ensure all persons were protected under the law. In the name of Dr. King, he asked the Council to reconsider its actions.

6. Presentation of Automated External Defibrillators Purchased With City Council Contingency Funds.

Police Chief Dennis Burns updated the Council on the purchase of 52 automated external defibrillators (AED). Sergeant Benitez developed a training plan, tests and maintenance schedules for the devices. He thanked the Council for approving the purchase of AEDs. Through Mr. Ian Hagerman's negotiations, the City purchased 52 AEDs rather than 37.

Police Sergeant Wayne Benitez reported the first training class would be held the following morning, and six units would be deployed in patrol cars the following day. He described the operation of an AED. AEDs could be utilized prior to the Fire Department's arrival on the scene.

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Fire Chief Eric Nickel thanked the Council for purchasing the AEDs. They would save lives. The AED program engaged many community members. Once AEDs were deployed in patrol cars, more would be deployed into the community. The Fire Department would train City Staff on use and create a campaign to engage youth to identify defibrillators in the community. As part of the new dispatch system, a smart phone application would be available to notify individuals that use of an AED was needed.

Council Member Kniss recognized Racing Hearts for working to place AEDs in schools. AEDs saved lives.

Council Member Price noted AEDs would be installed at several schools.

7. Appointment to the Architectural Review Board for One Unexpired Term Ending on September 30, 2015.

First Round of voting for the Architectural Review Board for One Unexpired Term Ending on September 30, 2015 (Resignation of Alizadeh):

Voting For Peter Baltay: Klein, Scharff

Voting For Robert Gooyer: Burt, Holman, Kniss, Price, Schmid

Voting For Kyu Kim: Shepherd

Donna Grider, City Clerk, announced that Robert Gooyer with five votes was selected to serve an unexpired term ending on September 30, 2015.

AGENDA CHANGES, ADDITIONS AND DELETIONS

MOTION: Vice Mayor Shepherd moved, seconded by Council Member Holman to refer Agenda Item Number 17 "Adoption of Ordinance for a New Chapter 18.15 (Residential Density Bonus) to Include in Title 18 of the Palo Alto Municipal Code to Implement Government Code Section 65915" to the Regional Housing Mandate Committee. Furthermore, to continue Agenda Item Number 14 "Approval of Continuation of Council Consideration of an Appeal of a Director's Approval of a Major Architectural Review Board Application for a Four-Story, 50 foot, Mixed Use Building Located at 240-248 Hamilton Avenue, With a New Floor Area of 15,000 Square Feet Until September 9, 2013.

Vice Mayor Shepherd noted the Agenda Items 14 and 17 codified State law. She hoped the Regional Housing Mandate Committee could act quickly.

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Council Member Holman indicated the Residential Density Bonus and Appeals of a Director's Approval were complex and should not be discussed at the end of a long Council meeting.

Council Member Klein noted the reasons for continuing Agenda Items 14 and 17 were that Staff received calls from Council Members and the public did not have sufficient time to review the information. The Planning and Transportation Commission (P&TC) held numerous meetings on both issues. The issues deserved additional study, but the public should have voiced their concerns prior to the Council referring it to the Regional Housing Mandate Committee.

MOTION PASSED: 8-0 Berman absent

CITY MANAGER COMMENTS

Pamela Antil, Assistant City Manager, announced the Palo Alto Festival of the Arts was scheduled for August 24 and 25, 2013. The City would launch the Bike Share Program on August 29, 2013 at 10:00 A.M. On August 29, 2013 at 6:30 P.M. the kick-off meeting of the Maybell Bicycle Boulevard would be held.

ORAL COMMUNICATIONS

Diane Elizabeth Jones was creating a trust website for donations to acquire talent and land for a community for the homeless.

Palo Alto Free Press apologized in the interest of détente if he offended Council Member Klein with his comments the previous week.

Stephanie Munoz suggested the homeless population at Cubberley should be allowed to remain there with a monitor.

Ken Alsman provided information regarding parking in Downtown, transfer of development rights and credits for parking spaces. The Council should institute a moratorium.

Aram James toured the We Hope Shelter in East Palo Alto. He suggested a shuttle bus transport homeless people from Cubberley to the We Hope Shelter each morning.

Cash Alae, Senior Management Analyst, indicated a Martin Luther King Jr. celebration would be held August 26, 2013, at 5:00 P.M. in King Plaza.

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CONSENT CALENDAR

Palo Alto Free Press was pleased that the City would implement the use of electronic signatures.

Lynn Huideloper indicated the correct vote on the Vehicle Habitation Ordinance was 7-2 rather than 9-0. The Human Relations Commission (HRC) was interested in addressing vehicle habitation.

Diane Elizabeth Jones did not support the Vehicle Habitation Ordinance. Desperation should not be punished.

Palo Alto Free Press felt homelessness was pandemic and was not an easy problem to solve. He asked the Council to remove Agenda Item Number 13 from the Consent Calendar to allow the HRC to discuss it.

Chuck Jagoda noted Council Member Klein's concerns regarding vehicle habitation. Helping the homeless was a Palo Alto tradition. Imposing a solution on poverty and homelessness without communicating with the homeless was not a good idea. The homeless population at Cubberley did police themselves.

Lois Salo felt the homeless should be part of a solution. She suggested money be transferred from the redesign of the Golf Course to a homeless shelter. The City should ask Google to contribute.

Aram James asked the Council to remove Agenda Item Number 13 from the Consent Calendar. He read the dissenting opinion from a decision regarding a homeless Ordinance in Santa Ana.

Stephanie Munoz concurred with prior comments regarding the Vehicle Habitation Ordinance. The people using shower facilities at Cubberley needed less rehabilitation.

Cybele understood Cubberley was not a homeless shelter. The HRC should be included in the discussion.

Penny Ellson supported the Vehicle Habitation Ordinance. The homeless problem was growing. The proposed Ordinance provided a tool to encourage action toward long-term housing solutions. Palo Alto could do more to serve the unhoused community.

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Zachi Baharav did not believe the current situation at Cubberley was safe. He urged the Council to support the proposed Ordinance and to support limiting hours at Cubberley.

Carolyn Dobervich urged the Council to adopt the proposed Vehicle Habitation Ordinance. The proposed Ordinance was not intended to be a weapon to be used indiscriminately.

Council Member Holman registered a no vote on Agenda Item Number 13.

MOTION: Vice Mayor Shepherd moved, seconded by Council Member Kniss to approve Agenda Item Numbers 8-13 and 15.

8. Approval of a Contract with Staples (NJPA 031210-SCC) in an Amount Not to Exceed \$250,000 Per Year (Total \$500,000 for a Two-year Term) from September 2, 2013 to September 2, 2015 for Office Supply Services.
9. Approval of a Contract No. C14149800 with Musson Theatrical, Inc. in the Amount of \$120,000 for the Design-Build of the Cubberley Theater Lighting Dimmer System.
10. Recommendation to Proceed with a Request for Proposals for State Legislative Advocacy and to Return to the Policy & Services Committee with a Recommendation on Final Contract Scope.
11. Ordinance 5204 entitled, "Ordinance of the Council of the City of Palo Alto Adding Chapter 2.06 to Title 2 of the Palo Alto Municipal Code to Restrict the Use of the City Seal and Other City Logos (1st Reading August 5, 2013, PASSED: 9-0)."
12. Ordinance 5205 entitled, "Ordinance of the Council of the City of Palo Alto Authorizing Electronic Signatures on Documents Used and Accepted by the City of Palo Alto (1st Reading: August 5, 2013 PASSED: 9-0)."
13. Ordinance 5206 entitled, "Ordinance of the Council of the City of Palo Alto Adding Section 9.06.010 to the Palo Alto Municipal Code to Prohibit Human Habitation of Vehicles (1st Reading; August 5, 2013, PASSED: 7-2 Berman, Holman no)."
- ~~14. Approval of Continuation of Council Consideration of an Appeal of a Director's Approval of a Major Architectural Review Board Application for a Four story, 50 foot, Mixed Use Building Located at 240-248 Hamilton Avenue, With a New Floor Area of 15,000 Square Feet Until~~

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~~September 9, 2013. The project Includes a Variance to Encroach Into the Required Seven Foot Special Setback Along Hamilton Avenue and the Required Six Foot Special Setback Along Ramona Street. Environmental Assessment: an Initial Study and Mitigated Negative Declaration Have Been Prepared. Zone District: Downtown Community Commercial (CD-C)(P)(GF) with Pedestrian Shopping and Ground Floor Combining Districts (STAFF RECOMMENDS ITEM TO BE CONTINUED TO SEPTEMBER 9, 2013).~~

15. Request For Authorization To Increase Compensation of Existing Contracts With (1) the Law Firm Of Burke, Williams & Sorensen, LLP for a Total Contract Not-to-Exceed Amount of \$120,000 for Litigation Matters; and (2) Moscone Emblidge Sater & Otis for a Total Contract Not-to-Exceed Amount of \$160,000 For Transactional Legal Services.

MOTION PASSED to approve Agenda Item Numbers 8-12 and 15: 8-0, Berman absent

MOTION PASSED to approve Agenda Item Number 13: 7-1 Holman no, Berman absent

ACTION ITEMS

16. Update on Development of Approaches to Positively Impact Homelessness and Adoption of an Ordinance amending the Palo Alto Municipal Code to add section 9.61.020 to establish Community Facilities Hours including Cubberley, Lucie Stern and Mitchell Park Community Centers.

Robert De Geus, Assistant Director Community Services, reported the Policy and Services Committee discussed methods to address homelessness with an emphasis on the Cubberley Community Center. Staff recommended an Ordinance to establish facility hours. The Policy and Services Committee recommended several items to the Council; however, Staff requested Council action on the Ordinance to establish facility hours. Staff would return to the Council in 30 to 60 days to address other elements of the Policy and Services Committee recommendation.

Minka Van Der Zwaag, Human Services Manager, stated 600,000 people experienced homelessness on any given night in the United States. A point-in-time count indicated 7,600 people in Santa Clara County and 157 people in Palo Alto were homeless. Agencies in the County reported 28,000 individuals requested homeless-related services. Two trends were responsible for the rise in homelessness in the United States over the past

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20 to 25 years: a shortage of affordable rental housing and an increase in poverty. Job loss, lack of healthcare, mental illness, substance abuse and domestic violence were other causes of homelessness. Homelessness was a complex issue.

Mr. De Geus indicated the situation at Cubberley was acute. Approximately 40 unsheltered people resided at Cubberley. Cubberley did not have the facilities, Staff or resources to support a homeless shelter. Staff was concerned about the safety and security of patrons, tenants, Staff and homeless individuals. Not all members of the homeless population at Cubberley caused problems. Violence and fights between homeless individuals occurred; bathing and cooking occurred in the bathrooms; syringe needles were left on campus; bags and belongings were stored across the campus; and aggressive verbal and physical behavior was exhibited toward nighttime custodial Staff. Staff wished to provide options to positively impact homelessness for Council consideration.

Ms. Van Der Zwaag worked over the past year to find effective methods to address homelessness. Staff held numerous meetings with key service providers. Service providers' staff reached out to homeless individuals at Cubberley regarding available services. Staff worked with the Downtown Streets Team to perform an assessment of the individuals residing on the Cubberley campus. The best shower programs for the homeless included staffing and monitoring. Staff decided to close the Cubberley showers effective August 31, 2013. The Police Department was present on the campus nightly. Staff turned off Wi-Fi from the library and locked most of the external electrical outlets. The Policy and Services Committee recommended development of a multi-agency homeless outreach program with a cost not to exceed \$250,000; requested Staff return for a discussion of the utilization of the Community Health and Safety component of the Stanford University Medical Center Development Agreement funds for health services; and recommended an Ordinance to establish hours for public access to community centers. A Homeless Services Task Force emerged from meetings among service providers.

Pastor Paul Bains, Homeless Services Task Force, was ready to assist and provide services as needed. He wished to work with City Staff in the next 30 to 60 days to develop a plan and to implement strategy. The plan would be short term, mid-term and long term to effectively leverage funds. Fellowship, meals, health services, job training and housing options were needed. No single agency, public or private, could achieve all needs. He asked that the Council work with the Task Force to develop a plan, and that Council Members utilize their contacts to support a search for public funds.

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Mr. De Geus recognized that City funds were not committed to a program.

Molly Stump, City Attorney, explained that a specific program was not before the Council for consideration, because it was not ready for presentation to the Council. Staff merely provided an update regarding efforts to create a program. The item presented to the Council for action was the Policy and Services Committee's recommendation for an Ordinance with respect to community center hours.

Lynn Huideloper inquired whether vehicle dwellers would have to leave the Cubberley campus when it closed.

Ms. Stump reported the closure applied to the entire facility.

Ms. Huideloper stated the Council had not provided an alternate location for the homeless population. She suggested extending the shower facilities to the end of September 2013, until the Task Force could provide alternatives.

Norman Carroll suggested the City implement a HOT Team.

Katie Fantin, Vineyard Christian Fellowship of the Peninsula, acknowledged safety and facility issues at Cubberley. She did not support the proposed Ordinance, but respected the rights of the neighborhood residents. She requested the Council consider other options.

Cybele requested the Council think about other options.

Carolyn Dobervich asked the Council to adopt the proposed Ordinance. More or better options were not likely to occur until Cubberley was returned to a community center.

Maryanne Deierlein encouraged the Council to support the proposed Ordinance and to continue with approaches to positively impact the homeless.

Stephanie Munoz recalled Council Member Klein's comments at the prior meeting, and referenced the meaning of de jure versus de facto. She asked who would monitor homeless individuals on the Cubberley campus when the campus was open.

Aram James stated the community included unhoused people. It was illogical to impose a punishment prior to implementing services. He wanted the Council to implement a program at Cubberley similar to the one in Santa Barbara. The unhoused population was not represented on the Task Force.

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Zachi Baharav supported the proposed Ordinance limiting hours at Cubberley and use of funds to provide services to the homeless.

Penny Ellson reported the number of homeless people had increased along with the number of arrests for assault and narcotics. Approving the proposed Ordinance would be a start to returning Cubberley to a community center. Cubberley could not provide the needed services to facilitate a transition from homelessness.

Chuck Jagoda believed children would not be afraid of homeless people if the children met and interacted with them. Withdrawing resources from those who did not have resources did not make the problem better.

Jean Wilcox felt the City should open its parking lots and community centers to the homeless rather than pushing them toward private parking lots and church facilities. She supported the proposed Ordinance.

MOTION: Council Member Kniss moved, seconded by Council Member Price to adopt an ordinance amending the Palo Alto Municipal Code to add section 9.61.020 to establish Community Facilities Hours, including Cubberley, Stern and Mitchell Community Centers.

Council Member Kniss reported community members sought relief from an uncomfortable situation at the Cubberley Community Center. The topic included connecting the homeless with community services. The Agenda Item resulted from two years of meetings. She and Council Member Price met with Supervisor Joe Simitian regarding the situation. The Policy and Services Committee recommended the Council provide \$250,000 for programs. The Opportunity Center had approximately 100 units of housing and was supported by private sources, the City and Santa Clara County (County). The safety and public health concerns of neighborhood residents also deserved consideration. The item before the Council was the proposed Ordinance, not a program for the homeless.

Council Member Price indicated homelessness was a public health and welfare issue affecting the homeless and the community. The meeting with Supervisor Simitian was productive. Discussion of the proposed Ordinance highlighted the severity and plight of the homeless population in Santa Clara County. The focus should be on the Homeless Services Task Force and providing services. She suggested the Task Force invite corporate partners and Stanford University to participate.

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Council Member Klein inquired about the amount of overtime the Police Department was expending to be present at Cubberley.

Police Captain Ron Watson reported an officer was located at Cubberley each evening from 6:00 P.M. until midnight. The monthly cost was approximately \$14,000. At the direction of the City Manager's office, an officer would be stationed at Cubberley for the foreseeable future.

Council Member Klein inquired whether the first opportunity for a second reading of the Ordinance was September 9, 2013, and whether the Ordinance would become effective 30 days after the second reading or October 9, 2013.

Ms. Stump concurred. A second reading of the proposed Ordinance had not been scheduled.

Council Member Klein believed the earliest date for a second reading of the proposed Ordinance was September 9, 2013.

Ms. Stump agreed. The Ordinance would become effective 31 days after a second reading.

Council Member Klein felt Staff erred by allowing the homeless population to utilize the showers at Cubberley. The Council cared about the neighborhood residents and homeless people. Homeless people had rights, but no more rights than anyone else. The homeless did not have the right to declare Cubberley to be a homeless shelter. The homeless population at Cubberley was growing. The City's obligations were to protect the neighborhood and the community center and to help disadvantaged people. The Policy and Services Committee recommended two programs: one for housing and one for health services. Provision of social services was a County responsibility; however, Palo Alto could provide assistance. The Council should act now rather than allowing further delay.

Council Member Schmid agreed the number of homeless people was increasing; however, the increase was surprising in that the economy improving. The increase in the homeless population in Palo Alto was probably due to the closure of Clara Mateo Shelter. Homelessness was connected with many other issues. Health and community services comprised approximately half of the County's budget. The County collected a portion of property taxes to fund services. The City of Palo Alto did not have sufficient resources to resolve the issue of homelessness.

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AMENDMENT: Council Member Schmid moved, seconded by Council Member Holman that before the ordinance went into effect, Staff would present a concrete plan to deal with homelessness which would include a major effort by Santa Clara County to accept responsibility for a major role, and present a strategy with plans, costs, and measures of success.

Council Member Schmid felt homelessness was beyond the resources of the City. The County had to participate for any program for it to be effective.

Council Member Holman did not believe a County commitment could be obtained in the short time prior to Staff's return with program information; therefore, she requested clarification of the intent of the Amendment.

Council Member Schmid wanted the County to accept responsibility for a major role in a homeless program.

Council Member Holman did not believe the City could impose a responsibility on the County.

SECOND TO AMENDMENT WITHDRAWN

AMENDMENT FAILED DUE TO THE LACK OF A SECOND

Vice Mayor Shepherd noted the Policy and Services Committee discussed homelessness many times the prior year. The proposed Ordinance was appropriate at the current time. Council Members Kniss and Price sought service providers and information for the discussion.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER that the Chair of the Policy and Services Committee, Council Member Kniss, and Council Member Price, act as a subcommittee of Policy and Services Committee and continue their outreach efforts with the County and regional organizations and agencies to expand options and support for Palo Alto's Homeless.

Vice Mayor Shepherd added that Council Member Kniss provided experience and Council Member Price provided compassion. They would work to provide valuable services for the homeless.

Council Member Burt requested Staff clarify what actions would be taken at Cubberley and when those actions would occur.

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Mr. De Geus reported showers would close effective August 31, 2013. Staff informed homeless individuals of the closure and provided support and directions to the Opportunity Center.

Council Member Burt noted the increased police presence at Cubberley and the steps of shutting off electricity and Wi-Fi. He asked which of those steps were within Staff discretion and requested a timeline for implementation of those steps.

Mr. De Geus reported all those steps were Staff actions, and Council direction was not necessary. Those actions would occur immediately if they had not already been implemented.

Council Member Burt inquired whether the situation improved once those steps were taken.

Mr. De Geus indicated the shower situation had not changed. There appeared to be fewer homeless individuals on campus because of the police presence.

Council Member Burt inquired about the coordination of actions taken at Cubberley with the six-month implementation period of the Vehicle Habitation Ordinance.

Pamela Antil, Assistant City Manager, reported enforcement of the Vehicle Habitation Ordinance would continue with outreach efforts. Closing community center facilities should occur once the proposed Ordinance became effective.

Council Member Burt asked if the proposed Ordinance would restrict after-hours access to Cubberley, including vehicle access.

Ms. Antil replied yes.

Council Member Burt felt the Vehicle Habitation Ordinance would be implemented in full at Cubberley once the Ordinance restricting hours at community centers became effective.

Ms. Stump reported the two Ordinances were different in scope. The Vehicle Habitation Ordinance was a City-wide Ordinance affecting habitation of vehicles on all public roads.

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Council Member Burt believed the Vehicle Habitation Ordinance would be implemented immediately with respect to Cubberley, rather than being implemented over six months.

Ms. Stump explained that if the Council adopted the proposed Ordinance, by mid-October 2013 anyone at a community center after 10:30 P.M. could be cited under the proposed Ordinance. The Ordinances were independent of one another. The practical effect of the proposed Ordinance was that people would not be allowed to live in their vehicles at Cubberley after mid-October if the Council adopted the Ordinance on second reading in early September.

Council Member Burt indicated the practical effect of the proposed Ordinance was that the Vehicle Habitation Ordinance would not be implemented over six months at Cubberley. Staff's actions would provide positive improvements for neighborhood residents. He expressed concern that a safety net would not be in place when the proposed Ordinance became effective. He asked if Staff considered a role for the Human Relations Commission (HRC) in developing a program.

Ms. Van Der Zwaag stated Staff was willing to hear the Council's advice on a role for the HRC.

Council Member Burt noted no faith-based organizations were listed as participants in the Task Force and asked if Staff intended to reach out to faith community leaders.

Ms. Van Der Zwaag reported Vineyard Christian Fellowship was invited to the next Task Force meeting. Membership for the Task Force would expand.

Ms. Antil remarked that the Policy and Services Committee decided not to provide a larger role for the HRC in order to expedite Staff's work with community groups.

Council Member Burt appreciated the desire to prevent delay; however, he was troubled by the process extending two years without inclusion of the HRC. He would support a request to the Policy and Services Committee to engage with the HRC without delaying the process. Staff or the Task Force should engage Stanford University and corporations in the discussion.

Council Member Holman felt addressing the homelessness issue in a piecemeal fashion was difficult. HRC involvement was not discussed at the Policy and Services Committee meeting. She included that suggestion in a Motion that failed. The Staff Report conflicted with oral comments regarding Staff returning to the Council in 30 to 60 days. She inquired about the

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timeframe for Staff to present information to the Council and about near-term solutions.

Ms. Antil planned to return with an Agenda Item at the first meeting in October 2013. Potential partners provided many programmatic ideas; however, Staff had not reviewed them. Council Members Price and Kniss provided contacts with County Staff.

Council Member Holman asked if Staff would discuss near-term and long-term solutions in October.

Ms. Antil reported Staff would present a specific Motion with both near-term and long-term strategies which the Council would have to fund. Staff would continue to work with the faith-based community regarding vehicle habitation and proceed with other partnerships.

Council Member Holman noted possible vehicle habitation sites were located on the other side of Bayshore Freeway. People had lived at Cubberley for years without causing problems. She requested Staff find alternative habitation sites in the near term.

Ms. Antil explained that once the Ordinance was effective, Staff would not recommend an exception area. Owners of private property could propose alternative sites.

Council Member Holman inquired whether locations on the other side of Bayshore Freeway were community facilities.

Ms. Antil indicated many of the sites were covered by parkland restrictions or the Vehicle Habitation Ordinance.

Council Member Holman felt the Council needed to provide relief to neighborhood residents. Most of the homeless individuals did not cause problems at Cubberley. The matter should be referred to the HRC as homelessness was a core issue for the HRC.

AMENDMENT: Council Member Holman moved, seconded by Council Member Burt to refer Agenda Item 16 to the Human Relations Commission and that their involvement travel in parallel and in coordination with the task force. The Council also directed the Policy and Services Committee to engage the Human Relations Commission in relation to the Staff recommendation Item Numbers 1, 2, 3 and 5.

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Council Member Burt suggested the Council request the Policy and Services Committee engage the HRC in the process in a meaningful way. In this manner, the Policy and Services Committee could determine the HRC's participation.

Ms. Antil noted that with respect to Item Number 2 the Policy and Services Committee recommended Staff present items to the Council rather than the Policy and Services Committee.

Mayor Scharff understood information would be presented to the Council and that the Policy and Services Committee would not take a further role. Therefore, further involvement by the Policy and Services Committee would cause delay.

Ms. Antil indicated the Policy and Services Committee directed Staff to return to the Policy and Services Committee with Item Number 5, potential use of Stanford University Medical Center Development Agreement funds.

Mayor Scharff stated Council Member Holman was Chair of the Policy and Services Committee the previous year, and asked why she did not refer the topic to the HRC then.

Council Member Holman believed the issue was presented to the Policy and Services Committee in November 2011, was not presented the prior year, and was presented twice in the current year.

Mayor Scharff understood the Policy and Services Committee considered the vehicle habitation ban.

Council Member Holman suggested the Amendment read "direct the Policy and Services Committee to engage the Human Relations Commission in the process of delivering a recommendation."

Council Member Burt agreed with the proposed language change. He inquired whether the determination of a program would be between Staff and the HRC.

Ms. Antil reported Staff would present the HRC recommendations to the Council as they would be interested in Staff's proposal for a new program. A significant budget amount was needed and would need Council approval.

Council Member Burt felt the proposed Amendment allowed the Policy and Services Committee or Staff to determine an appropriate role for the HRC.

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Council Member Holman would accept the change if "in a meaningful way" was added after Commission.

REVISED AMENDMENT: Council Member Holman moved, seconded by Council Member Burt to refer Agenda Item 16 to the Human Relations Commission and that their involvement travel in parallel and in coordination with the task force. The Council also directed the Policy and Services Committee to engage the Human Relations Commission in a meaningful way in relation to the Staff recommendation Item Numbers 1, 2, 3 and 5.

Council Member Klein did not support the Amendment because the language was vague. A referral to the HRC would add delay and they did not need a referral; they could have requested discussion of the issue. He was more concerned with the process moving forward.

Ms. Antil noted the Vice Chair of the HRC as an individual attended the Task Force meeting.

Ms. Van Der Zwaag added that Mr. Bachetti was a member of the community working group.

Mayor Scharff opposed the Amendment. The Policy and Services Committee struggled with and carefully considered the topic. Council Members reached out to many organizations and groups. Referring the issue to the HRC would delay the process. The Policy and Services Committee crafted a proposal to help the homeless and to handle the situation in a compassionate manner.

Vice Mayor Shepherd believed the topic should have been referred to the HRC a few years ago. She inquired whether the HRC would update the Human Services Needs Assessment from 2011. She suggested the Assessment provide more details regarding schools and school-age children.

Ms. Van Der Zwaag indicated the HRC performed some portion of a needs assessment as part of Human Service Resource Allocation Process (HSRAP) funding. The HRC was studying key areas from the Needs Assessment.

Vice Mayor Shepherd relied on the Needs Assessment for information and perspective.

Council Member Price agreed with the concept of the Amendment; however, she would not support it. The Council should revisit the topic in the future. There were many reasons homelessness was not referred to the HRC. Members of the HRC as individuals could provide their observations regarding any proposal.

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Council Member Schmid felt the Council and community were interested in obtaining a prompt response. He assumed Staff and the Task Force would present information directly to the Council. He inquired whether the Sub-Committee of the Policy and Services Committee would be a part of the working group.

Ms. Antil felt the Sub-Committee's purpose was to inform the work of the Task Force.

Vice Mayor Shepherd explained Council Member Kniss gathered information and provided it to Staff for execution.

Council Member Schmid wanted to ensure the Sub-Committee was included in discussions.

Ms. Antil was happy to ensure Council Members Kniss and Price were included.

Mayor Scharff requested Mr. Ky Le of Santa Clara County speak to the Council.

Council Member Kniss requested Mr. Le share his role with the County and homeless programs.

Ky Le, Director of Homeless Systems for the County of Santa Clara, worked internally with County departments and externally with cities and community partners to implement effective solutions to prevent and end homelessness. Cities had a difficult role in implementing long-term, permanent solutions while mitigating the community and environmental impacts of unsheltered persons. Effective solutions for preventing and ending homelessness were not a struggle. County policies, most consolidated plans and federal policy highlighted four strategies. In Fiscal Year 2014, the County set aside \$4 million of reentry funds for housing. One proposal was tenant-based rental subsidies to provide permanent or transitional subsidies to 20 homeless individuals. Solutions to homelessness were difficult to implement. He hoped to work with Palo Alto by leading with housing and attaching services.

REVISED AMENDMENT FAILED: 2-6 Burt, Holman yes, Berman absent

MOTION PASSED: 7-1 Holman no, Berman absent

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~~17. Adoption of Ordinance for a New Chapter 18.15 (Residential Density Bonus) to Include in Title 18 of the Palo Alto Municipal Code to Implement Government Code Section 65915.~~

Agenda Item Number 17 was referred previously on the Agenda to the Regional Housing Mandate Committee.

COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS

Vice Mayor Shepherd attended the ribbon cutting for the Gunn High School Gymnasium.

ADJOURNMENT: The meeting was adjourned at 10:38 P.M.